

### AMENDMENTS TO THE CLAIMS

1. (Currently amended) A method of producing a genetically modified plant having increased yield as compared to a wild-type plant, comprising:

transforming a plant cell with at least one nucleic acid encoding a polypeptide having at least 95% ~~homology~~ sequence identity with SEQ ID NO: 1, said nucleic acid being operably associated with a promoter, to obtain a transformed plant cell;

producing a plant from said transformed plant cell;

allowing said nucleic acid to be expressed; and

selecting a plant exhibiting said increased yield.

2. (Previously presented) The method of Claim 1, wherein the transformation is by physical means.

3. (Previously presented) The method of Claim 1, wherein the transformation is by chemical means.

4. (Cancelled)

5. (Original) The method of Claim 1, wherein the promoter is selected from the group consisting of a constitutive promoter and an inducible promoter.

6. (Previously presented) The method of Claim 1, wherein said polypeptide has the amino acid sequence of SEQ ID NO: 1.

7. (Previously presented) The method of Claim 1, wherein said nucleic acid has the sequence of SEQ ID NO: 3.

8. (Currently amended) A genetically modified plant exhibiting increased yield in comparison to a ~~wildtype~~ wild-type plant, wherein said genetically modified plant comprises at least one exogenous nucleic acid, wherein said nucleic acid encodes an amino acid with at least 95% ~~sequence homology to~~ sequence identity with the amino acid sequence shown in SEQ ID NO : 1.

9. (Cancelled)

10. (Cancelled)

11. (Cancelled)

12. (Previously presented) The genetically modified plant of Claim 8, wherein the exogenous nucleic acid is operably linked to a promoter selected from the group consisting of: a constitutive promoter and an inducible promoter.

13. (Original) The genetically modified plant of Claim 8, wherein said amino acid has the amino acid sequence of SEQ ID NO: 1.

14. (Currently Amended) The genetically modified plant of Claim 8, wherein said exogenous nucleic acid ~~has~~ comprises the sequence of SEQ ID NO: 3.

15. (Original) The genetically modified plant of Claim 8, wherein the plant is a dicotyledonous plant.

16. (Original) The genetically modified plant of Claim 8, wherein the plant is a monocotyledonous plant.

17. (Currently amended) A genetically modified seed, wherein said seed produces a plant exhibiting increased yield in comparison to a ~~wildtype~~ wild-type plant, wherein said genetically modified seed comprises at least one exogenous nucleic acid encoding a DAS5 polypeptide, wherein said polypeptide comprises an amino acid sequence with at least 95% sequence ~~homology to~~ identity with SEQ ID NO :1.

18. (Cancelled)

19. (Cancelled)

20. (Cancelled)

21. (Previously presented) The genetically modified seed of Claim 17, wherein the exogenous nucleic acid is operably linked to a promoter selected from the group consisting of: a constitutive promoter and an inducible promoter.

22. (Original) The genetically modified seed of Claim 17, wherein said amino acid has the amino acid sequence of SEQ ID NO: 1.

23. (Currently amended) The genetically modified seed of Claim 17, wherein said exogenous nucleic acid has at least 95% sequence ~~homology~~ identity with the sequence of SEQ ID NO: 3.

24. (Cancelled).

25. (Cancelled)

26. (Cancelled)

27. (Previously presented) An isolated *DAS5* polynucleotide encoding the amino acid sequence of SEQ ID NO: 1.

28. (Previously presented) The *DAS5* polynucleotide of Claim 27, wherein the polynucleotide has the sequence of SEQ ID NO: 3.

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29. (Previously presented) The method of Claim 1, wherein said increased yield is selected from the group consisting of: increased plant growth, increased crop growth and increased plant biomass.

30. (Previously presented) The genetically modified plant of Claim 8, wherein said increased yield is selected from the group consisting of: increased plant growth, increased crop growth and increased plant biomass.

31. (Previously presented) The genetically modified seed of Claim 17, wherein said increased yield is selected from the group consisting of: increased plant growth, increased crop growth and increased plant biomass.